

SPECIAL CRIMINAL APPLICATION NO.369 OF 1996.

Coram: R. R. Jain, J.

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March 29, 1996.

Rule. Mr. K.P. Raval, A.P.P. waives service of rule for respondent-State.

Section 18 of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, operates as bar of entertaining application under Section 438 of Cr.P.C. and therefore, in the event of apprehension of being arrested the petitioners are rendered remediless and would be deprived of his liberty running possibility of victimisation. In this view of fact, in the interest of justice, the petitioners are directed to appear before the learned Special Judge, Bhavnagar, and file application for regular bail. The learned Special Judge, Bhavnagar, is directed to decide application for bail in accordance with law.

Having regard to the facts and circumstances of the case, the petitioners are directed to remain present before the learned Special Judge, Bhavnagar, on 4.4.1996. Their presence before the Court shall be treated as if the petitioners are in judicial custody. The petitioners would be entitled to move application for regular bail in accordance with law. It is however, made clear that the investigating officer would be at liberty to make application for remand having regard to the facts and circumstances of the case. Irrespective of this order, the learned Special Judge, Bhavnagar, would be at liberty to decide either of the applications, that is, application for bail and/or for remand on merits, in accordance with law. In the meanwhile the petitioners shall not be arrested in connection with M Case No.5/96 punishable under Sections 365, 368 and 114 of IPC and Section 3 (i) (10)(11) and 2 (2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Rule made absolute. Direct service permitted.

29.3.1996. (R.R.Jain, J.)

